



Paper No. 15

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OFFICE OF PETITIONS  
A/C PATENTS

In re Application of  
Horwitz et al.  
Application No. 08/786,533  
Filed: January 21, 1997  
Attorney Docket No. 510030-143

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) (erroneously labeled as 37 CFR 1.137(a)), filed May 25, 2001, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed September 30, 1997. The Notice set a period for reply of one (1) month, or 30 days, whichever is longer, from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on October 31, 1997. A Notice of Abandonment was mailed on April 29, 1998.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to patent practice and procedure, 62 Fed. Reg. At 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

There is no indication that petitioner herein was ever empowered to prosecute the instant application, in fact, there has never been a Power of

Attorney in this application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to petitioner.

The address given on the petition differs from the address of record as well as the address on the change of address request. Although a request for a change of address has been included in the petition, in view of the lack of a Power of Attorney, the address will not be changed at this time. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record that was taken from the transmittal sheet for the application (POMS, SMITH, LANDE & ROSE, 2029 Century Park East, 38th Floor, Los Angeles, CA 90067-3024).

The file is being forwarded to Technology Center 1600 for review of the sequence listing, filed May 25, 2001.

Telephone inquiries concerning this matter may be directed to Lesley Morris at (703) 306-0028.

*Christina P. Tannouse for*

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